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STATE
DOCS

Instructions to town and city clerks,
registrars, and others, relating to the
registration of births, marriages, and
deaths: embracing the laws of the Common-
wealth on the subject. Boston, 1849.

Benjamin F.
Archibalds. Secretary of the Commonwealth
INSTRUCTIONS

OF THE
SECRETARY OF STATE

TO
Town and City Clerks, Registrars, and others,

RELATING TO THE REGISTRATION
OF
BIRTHS, MARRIAGES, AND DEATHS:

EMBRACING THE
LAWS OF THE COMMONWEALTH

ON THE SUBJECT.



BOSTON:
DUTTON AND WENTWORTH, STATE PRINTERS,
No. 37, Congress Street.
1849.

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INSTRUCTIONS.

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, BOSTON, May 23, 1849.

SIR:

An additional "Act relating to the Registration of Births, Marriages, and Deaths," was passed by the Legislature, on the 2d May, 1849; and the Secretary of State, in the performance of a duty which is required of him by law, hereby accompanies this act with "such instructions and explanations," as seem to him "necessary and useful," to render the whole system of registration, as now modified, plain and easy to be understood and to be carried into practical operation.

The first section of the act provides, that the information required to be ascertained, by the act of 1844, shall be obtained by the town or city clerk, or registrar. School committees are now relieved by law, from the duty of obtaining information concerning the births, and persons solemnizing marriages, concerning the parties to the marriage, as was provided by the act of 1844. On clerks rests the responsibility of executing the law. They can depute some one to do the duty, but, if it is not done, and well done, on them must rest the blame. And it is believed that the compensation and penalties, provided in the act, will be a sufficient inducement for the correct performance of the duty, in all respects. The particular attention of all persons interested, is respectfully solicited to the several subjects which are required to be investigated.

I. BIRTHS.

To obtain information concerning births, will, perhaps, be attended with more difficulty than either marriages or deaths, especially in populous places; but if a systematic effort be regularly made, it may be easily and correctly done. A proper form of a blank to be used is the first requisite; and the following has been prepared for general adoption:—

"No.

I hereby certify, as I am informed, that, on the day of ,
 A. D. 18 , a child was born in , at No. street.
 The said child was the of and of his wife.
 The father is a , and he was born in . The mother
 was born in . The name given to the child is .
 Dated at , the day of , A. D. 18 .
Informant.

The following is a specimen of one of these blanks filled out, to illustrate the manner in which it should be done:—

"No. 50.

I hereby certify, as I am informed, that, on the 10th day of *June*, A. D. 1849, a *male* child was born in *Cambridge*, at No. 10 *Harvard Street*. The said child was the *son* of *John Smith* and of *Mary*, his wife. The father is a *shoe-maker*, and he was born in *Newton*. The mother was born in *Ireland*. The name given to the child is *John, Jr.*

Dated at *Cambridge*, the 15th day of *July*, A. D. 1849.

John Brown, Informant.

These blanks are generally printed on both sides of the paper; and several sheets are stitched together in folds. The person who visits the families, takes one or more of these folds, and successively and carefully fills them up, page after page, in the order in which the information is received; or, sheets ruled with the headings, in the form of the record book, may be used for this purpose, and filled in the same manner. When all the families in a given district are visited, or when all the blanks in the folds or sheets, are filled, they are returned to the office

of the town clerk, who transfers the information they contain to the register book. If a fold be not filled at one time, it may be taken, on a second or third visit, and filled and returned in the same way.

The following is the form of the headings of the register books, now in use in all the towns:—

<i>Births in</i>						<i>Registrar.</i>				
No.	When registered	Name, (if any)	Sex.	Date of Birth.	Place of Birth.	[Back of the Book.]	Name and surname of Parents.	Occupation of Father.	Residence of Parents.	Places of Birth of Parents.
1	2	3	4	5	6		7	8	9	10

It is proposed that the blank form above presented, shall contain the places of birth of the parents—an item of information not specified in the headings of the register. This is judged to be important to show how far the increase of the population arises from foreign emigration. The information may be inserted under heading 10 of the register, instead of the name of the “informant,” which is not required by law. And the clerks will erase that word, and insert *places of birth of parents*, in its stead, as above.

The facts should be transferred from the returns to the register book, in plain, legible handwriting, as follows:—

Under heading 1, the entries should be numbered, each year separately, No. 1 being the first entry in the month of January, No. 2 the second, and so on to the end of the year. Under heading 2, insert the date when the birth was registered, and this date should be the date when the information was obtained from the parents. Under heading 3, insert the name of the child, but, if no name had been given to the child when the other facts were obtained, leave the space blank, and afterwards obtain and insert the name. Under heading 4, insert *male, fe-*

male, twins, or colored, as the facts may be. Under heading 5, insert the date of birth, specifying the day of the month as well as year. Under heading 6, insert the name of the town or city; and, if a populous place, the name of the street and number of the house. Under heading 7, insert the Christian name and the surname of the father, and the Christian name of the mother. If the child be illegitimate, insert the name of the mother. Under heading 8, insert the profession, occupation, or trade of the father. If the father have no specific occupation leave the space blank, or if he is merely a laborer, insert that word. Under heading 9, insert the name of the town or city in which the parents reside. And, under heading 10, insert the places of birth of the parents.

The insertion of the information required, under some of these headings, and especially under 8 and 9, as to births, as well as the same information in regard to marriages and deaths, is for the purpose of rendering the identification of the individual more easy. There are many persons bearing the same name, in the same town or city;—there may be very many John Smiths, John Browns, or others of common names, and, unless their specific occupations, places of residence, and other circumstances are given, it would be difficult, and perhaps impossible, to distinguish which were intended. The residence may also be interesting, in a statistical view, to show whether, in one particular locality, or among one particular class of the population in towns and cities, as has sometimes been found to be the case, the proportion of births is very much greater or less than in another.

When towns shall have filled the register books already furnished, but not before, it is intended to furnish others, with the headings arranged as follows. This will be the form of the returns, hereafter to be made to the Secretary of State, omitting in the returns the 11th and 12th columns, though they should be retained in the town register.

<i>Births in</i>						<i>Registrar.</i>						
No.	Date of Birth.	Name, (if any.)	Sex and condition.	Place of Birth.	Names of Parents.	[Back of the Book.]	Residence of Pa- rents.	Occupation of Fa- ther.	Place of Birth of Father.	Place of Birth of Mother.	Informant.	When Registered.
1	2	3	4	5	6		7	8	9	10	11	12

The columns under these headings will be filled in the manner we have already described. The only new headings will be those of columns 9 and 10, and under them will be inserted the places of birth of the parents, specifying the name of the town, and state, if born in New England, the name of the county and state, if born in any other part of the United States, or the name of the country, kingdom, or government, if born without the United States.

The birth of every child born alive, even if it live but a few hours or moments, should be entered; but stillborn children should not be entered among the births, but, if entered at all, only among the deaths.

Doubts have arisen in the minds of some town clerks, as to the place where the birth of a child should be entered, if the parents happen to remove from the town or city in which the child was born, to another town, before the entry of its birth. In all such cases, however, it seems clear that the birth should be entered in the town or city in which the parents reside at the time the record is made, the place of its actual birth being also inserted; the probability being that the removals *out of* a place will be equal to the removals *into* it; and, in such cases, the general result will not be affected. Entries of births of past years may also be made in the register, at the request of the parents, but they should not be returned to the Secretary of State, among the births in the particular year for which the return is designed.

Clerks and registrars of large towns and cities, will not al-

ways be able, themselves, to visit personally, the several families, to obtain the information required ; and it will be necessary to make some other arrangement to carry the law into effect. This may easily be done by appointing some suitable and competent person to be an assistant in each ward, in cities, or in each school district, in towns, to act under the authority and direction of the clerk. Such individual should have intelligence, discretion, and gentlemanly address. He should be furnished with blanks, instructed in the proper use of them, and paid a part of the compensation allowed by law, based upon the number of births returned. The information would thus be fully secured. The physician, prudential school committee, or other competent person, might, in some places, act as agent.

To secure accuracy, the families in each city, town, and district, should be visited regularly once a quarter,—on the first week of April, July, October, and January ;—or at least semi-annually, on the first week of July and January. When delayed to the end of the year, owing to the locomotive habits of our people, causing frequent removals, errors and omissions will be likely to occur.

If any person object or refuse to furnish the information required by law, such person should be informed of the great importance of the record to the child, personally, and of the facts to the public. And, if he still refuse, such person should be reminded that he makes himself liable to a penalty of *five dollars* for each refusal, as provided in the Revised Statutes ; and the law should be enforced.

Many physicians and midwives keep records of all births which they attend professionally, and if this were generally practised, and clerks and registrars were permitted to examine such records, it would afford them essential aid. It is presumed, if physicians were requested by the clerk to keep records for this purpose, few would object to it. Blanks books, containing the printed forms, may be furnished at a trifling expense.

II. MARRIAGES.

The act of 1849 relieves ministers and other persons solemnizing marriage, from the duty of obtaining the information concerning the parties to the marriage, required by the act of 1844. The following form of a certificate of marriage, is recommended to be used in carrying the law into effect, and will be furnished to all town clerks and registrars, on application to the Secretary of State :—

No. . CERTIFICATE OF MARRIAGE.

BETWEEN , of , aged years, a .
He was born in , and was the son of . This will
be his marriage.

AND , of , aged years. She was born in
, and was the daughter of . This will be her
marriage.

—
The intentions of marriage, by the parties above named, were duly entered
by me, on the day of , A. D. 18 , in the records of the of
, and have been published according to law.

Dated at , this day of , A. D.

Town Clerk.

—
The parties above named were joined in marriage, at , by me,
this day of , A. D. 18 .

Attest,

The description required of the parties to the marriage must be ascertained by personal inquiry, as far as practicable, and entered by the town clerk, at the time when the application is made for publishing the intentions of marriage. If not fully given, the parties should be requested to fill any part not before ascertained, previous to giving the certificate of publication to the person who is to solemnize the marriage.

The following is a specimen of a schedule filled out, to illustrate the manner in which it should be done :—

No. 84.

CERTIFICATE OF MARRIAGE.

BETWEEN *John B. Jones*, of *Concord, N. H.*, aged 28 years, a *lawyer*. He was born in *Amherst, Ms.* and was the son of *Samuel Jones*. This will be his *first* marriage.

AND *Lucy H. Wheelwright*, of *Lowell*, aged 29 years. She was born in *Portland, Me.*, and was the daughter of *John Wheelwright*. This will be her *second* marriage.

The intentions of marriage, by the parties above named, were duly entered by me, on the 10th day of *April*, A. D. 1849, in the records of the city of *Lowell*, and have been published according to law.

Dated at *Lowell*, the 30th day of *April*, A. D. 1849.

OBED OWEN, *City Clerk*.

The parties above named were joined in marriage, at *Lowell*, by me, this *fourteenth* day of *May*, A. D. 1849.

Attest, SAMUEL SMITH, *Minister of the First Baptist Church*.

After the intention of marriage has been duly published according to law, the town clerk makes a certificate of such publishment, as provided for in the blank form, and this certificate is given to one of the parties to the marriage, by whom it is delivered to the person solemnizing the marriage; and this person inserts the place and date of marriage, signs his name and gives his official station, in which he should specify, if a minister, to what denomination of Christians he belongs, and where he resides. The same certificate, or an authentic copy, certified by the person who solemnized the marriage, is then returned to the clerk or registrar of the town or city within which the marriage took place. The clerk immediately enters it in the record of marriages. The date of such record will be the date when the certificate comes into his office. Each certificate or return should be filed in regular and systematic order. Blanks for the use of town clerks to enter intentions of marriage, bound in volumes, containing the first part of the above certificate, and also volumes of certificates of marriage complete, may be had, at cost, at the office of Messrs. Dutton & Wentworth, State printers, No. 37 Congress Street, Boston.

The following are the headings of the books of record for marriages now in all the towns:—

<i>Marriages in,</i>							<i>Registrar.</i>						
No.	When Registered.	Name and Surname of Groom and Bride.	Condition.	Age of each.	Occupation of Groom.	Date of Marriage.	[Back of the Book.]	Name, Residence, and Official Station of the person by whom married.	Place of Birth.	Place of Residence at time of Marriage.	Name and Surname of Parents.	Residence of Father.	Informant.
1	2	3	4	5	6	7		8	9	10	11	12	13

These columns are to be filled as follows:—Under heading 1, insert the number of the marriages entered during the year, No. 1 being the first entered in January, No. 2 the second, and so on to the end of the year. This number should be entered in the certificate of marriage. Under heading 2, insert the date of making the record. Under heading 3, insert the name and surname of the male, and under it the name of the female. Under heading 4, insert the word first, second, or third marriage, as the fact may be, showing the “condition of the party.” The word “condition” might be erased, and “what marriage,” inserted in its stead. Under heading 5, insert, in figures, the age of each. Under heading 6, insert the name of the occupation of the groom. Under heading 7, insert the date of marriage. Under heading 8, insert the name and official station of the person by whom the marriage ceremony was performed. Under heading 9, insert the place of birth of each party to the marriage. Under heading 10, insert the place of residence of each party, at the time of marriage. Under heading 11, insert the name of the parents of each. Under heading 12, insert the residence of the father. Under heading 13, insert the name of the informant.

Whenever the record books, already furnished to the towns, are filled, but not before, others will be provided, containing headings, arranged as follows:—

<i>Marriages solemnized in</i> , <i>County of</i> .							<i>Registrar.</i>
No.	Date of Marriage.	Names and Surnames of Groom and Bride.	Residence of each at the time of Marriage.	Age of each.	Occupation of Groom.	Place of Birth of each.	[Back of the Book.]
1	2	3	4	5	6	7	
							Names of Parents.
							What Marriage—whether 1st, 2d, 3d, &c.
							Name and Official Station of the person by whom married.
							Date of Register.
8	9	10	11				

The instructions for making the records, under this arrangement of the headings, will be the same as those already given for the same subjects, though not for the same number of the column. This will be the form of the headings of the returns to the Secretary of State, excepting the date of registration, which, though it should be inserted in the town register, may be omitted in the returns.

The town clerk is requested to visit every clergyman and other person who may solemnize marriages in the town, who does not make a return once a month, according to law, and obtain from him a certificate of every marriage by him solemnized since the last return. The town clerk is allowed ten cents for making the final record of a marriage, whether the intention were entered by him or not, in addition to the fee for publishment, as heretofore allowed, and this should be an inducement to perform this duty.

Efforts should also be made to ascertain and record the marriages of all persons who go out of the state to be married, where one or both the parties belonged to, or were residents of, the town or city. From newspapers and other sources of information, and by personal inquiries, a knowledge of many such marriages may be ascertained. Such marriages may be recorded, but in the record the fact should be stated, that the marriage took place out of the state, and the place of the marriage should be particularly given. Very important and unfortunate consequences may result to the parties or their children, should no such record be made. Hence the importance to our

own citizens of being married within the state ; in regard to which town clerks may exert a salutary influence.

Accompanying these instructions is a circular, addressed to clergymen and others solemnizing marriages, a copy of which the clerk will be particularly careful to deliver to every such person in the town or city, and inform him at the same time, that he (the clerk) is instructed by the Secretary of State to see that the law is strictly enforced.

III. DEATHS.

To aid town clerks in obtaining the information concerning persons deceased, required by law, every town should have a sufficient number of undertakers. These officers should be respectable, reliable men, capable of making the proper returns. Many cities and towns have such officers now, but many others have none. In some towns they are chosen by the town, in others by the parish or religious society, and in others they are appointed by the selectmen ; in cities, by the mayor and aldermen. The selectmen, as a board of health, now have authority to regulate the interment of the dead, and, of course, have power to appoint undertakers, or persons to superintend such interment. This power should be exercised in every town in the state ; and the clerks are desired, immediately on the receipt of these instructions, to notify the selectmen of towns, and the mayor and aldermen of cities, that it is expected that they will forthwith appoint undertakers in all the towns in which a suitable number are not already chosen or appointed. The number in each town is indefinite, and should be, at least, as great as the number of burying places, or religious societies. The name of every person chosen or appointed, should be given to the clerk, to be recorded on a page to be inserted in the register of deaths. Each one is responsible for a return of every burial by him attended, and he is *allowed ten cents, out of the treasury of the town, for the same*. He is liable to a penalty not exceeding twenty dollars, and to be deprived of his office, for each neglect to make returns. The law imposes a

like penalty, not exceeding twenty dollars, upon any one who superintends the burial of a person deceased, who neglects to make a similar return to the town clerk. It is quite important that every death in every town of the state should be properly recorded, and near the time at which it took place; and clerks, undertakers, and others interested, are particularly requested to use all proper exertions to have it done.

The following form for a return of the burial of a person deceased, is recommended for the use of undertakers, and will be furnished to town clerks, for distribution, on application to the Secretary of State:—

"I hereby certify, as I am informed, that, on the day of , A. D. 18 , died, aged years, months, days, in , at No. Street. Said person was and a ; was born in ; and was the of . The disease, or cause of death, was . Interred in , the day of , A. D. 18 .
Informant."

The following is a copy of the certificate filled out, to illustrate the manner in which it should be done:—

"I hereby certify, as I am informed, that, on the 12th day of *August*, A. D. 1848, *James Atwater* died, aged 43 years, months, days, in *Salem*, at No. 5 *Otis* Street. Said person was *married*, and a *lawyer*, was born in *Reading*, and was the son of *John and Ellen Atwater*. The disease, or cause of death, was *typhus fever*. Interred in *Harmony Grove Cemetery*, the 15th day of *August*, A. D. 1848.
John Jones, Informant."

All the facts should be entered in the blank schedule, by the undertaker, or superintendent of the funeral, before the interment, while they are all fresh in the recollection of persons interested; when delayed, the labor of obtaining them is increased, and errors will be more likely to occur. The disease, or cause of death, should, if possible, be ascertained, and certified to, in the return, by the attending physician. When no physician was present, or when it is impracticable to obtain the opinion of a physician, the best accessible sources of information should be sought to ascertain the facts. The value

of the record will be enhanced by entire accuracy in this particular.

The 4th section of the law of 1844, requires returns to be made by sextons, undertakers, or superintendents of burials, to the town clerks, "on or before the 10th day of every month," of all interments made during the preceding month. It should never be delayed longer than that time, and it would be much better if made every week, or oftener, or as soon as may be after the event.

The clerk should immediately transfer the information returned to him, to the record book. The following are the headings of the register books, now furnished to the towns:—

<i>Deaths in</i>							<i>Registrar.</i>					
No.	When Registered.	Name and Surname	Sex and Condition.	Years. } Months. } Days. } Age.	Occupation.	Date of Death.	[Back of the Book.]	Place of Interment.	Disease, or Cause of Death.	Place of Birth.	Name and Surname of Parents. If a married Female, the name of the Husband.	Informant.
1	2	3	4	5.	6	7		8	9	10	11	12

Under heading 1, insert the No. of the entry ; the first made in January, being 1, the second, 2, and so on to the end of the year. Under heading 2, insert the date when the record was made. Under heading 3, insert the Christian and surname of the person deceased. Under heading 4, insert married or unmarried, and male or female, as the facts may be. Under heading 5, insert the age, specifying years only, when aged more than two years, and months or days, when less than two years. Under heading 6, insert the profession, occupation, or trade, if a male over 15 years of age, otherwise the space may be left blank. Under heading 7, insert the date of death. Under heading 8, insert the place of interment. Under heading 9, insert the disease, or cause of death. Under heading 10, insert the place of birth of the deceased person. Under heading 11,

insert the names of the parents, or, if a married female, the name of the husband. And, under heading 12, insert the name of the informant or undertaker.

When the books, already in the possession of towns, are filled, but not before, others will be supplied, with the following arrangement of the headings; and these will be the headings of the returns hereafter to be made to the Secretary of State, excepting the 12th and 13th, which may be omitted in the return, though they should be inserted in the town record.

<i>Deaths in</i>							<i>Registrar.</i>							
No.	Date of Death.	Name and Surname of the Deceased.	Years. Months. Days.	Age.	Place of Death.	Sex and Condition.	Occupation.	[Back of the Book.]	Place of Birth.	Names of Parents.	Disease, or Cause of Death.	Place of Interment.	Informant, or Un- dertaker.	When Registered.
1	2	3	4	5	6	7			8	9	10	11	12	13

IV. INDEXES.

The act of May 2d provides that "blank books for indexes to the town registers shall be prepared by the Secretary of State, and furnished to the several towns and cities at the expense of the Commonwealth." The following is a specimen of the form of the index which has been prepared, and which will be furnished on application to the Secretary:—

Specimen of an Index.

Surname.	Christian Name.	Page.	Surname.	Christian Name.	Page.
A.			G.		
Appleton,	John,	25	Gates,	John,	28
Abbot,	Sarah,	35	Goddard,	Elvira,	28
			Goodhue,	Samuel,	34
B.			Gulliver,	Mary,	34
Brigham,		28			
Bulfinch,	Samuel,	45	M.		
Brown,	John,	48	Mansfield,	John,	38
Baker,	Girl,	49	Morse,		39

The first column is designed to contain the surnames, alphabetically arranged ; the second, the Christian or given names ; and the third, the page in the register on which the particulars of each entry may be found. The form is the same for births, for intentions of marriage, for marriages, and for deaths. In *cases of births*, the surname of the father and Christian name of the child are inserted, except when the child is not born in wedlock ; then the surname and Christian name of the mother. If the child has no Christian name at the time of making the record, the surname only is inserted, the other space being left blank to be filled when the name is ascertained. As in the above specimen, supposing the entries under B to be an index to the births, Brigham is a child recorded without a Christian name, on page 28. In *cases of intentions of marriage*, and of *marriages solemnized*, the names of both parties to the marriage, male and female, should be entered in the index, the surname and Christian name of the male, and the maiden surname and Christian name of the female ; or if a widow, the surname of her last preceding husband. As in the above specimen, supposing the entries under G to be an index to marriages, Goddard is the maiden surname, and Elvira the Christian name, of one of the parties to a marriage, or intention of marriage, recorded on page 28 ; and Gulliver is the surname of the last husband of a party to the marriage, recorded on page 34. In *cases of death* insert the surname and Christian name of the deceased, or if a child without a name, the surname of the parents, and the sex of the child. As in the above specimen, supposing the entry under M to be an index to the register of deaths, Morse is a child without a Christian name, recorded on page 39. If the index refers to several volumes, the number of the volume should be stated, and all entries after such number being understood to refer to that volume until another number is inserted. It would be well, however, whenever it can be done, to have an index attached to, or bound with, each volume of records.

V. RETURNS TO THE SECRETARY OF STATE.

The time for making the returns to the Secretary of State is altered, by the recent act, from May to January. Blanks, of a uniform size, will be forwarded to the several town and city clerks previous to the month of December, annually, and they are requested to fill them out as wanted, by writing upon both sides, and using successive sheets, and to do it so early in January that they may be returned into the office of the Secretary of State, on or before the first day of February. The returns for January, 1850, will embrace copies of the records from May 1st, 1848, the date of the last return, to December 31st, 1849,—a period of one year and eight months. Though no return will be required to be made this May, yet town clerks are requested, immediately on the receipt of these instructions, to obtain and record information concerning all births, marriages, and deaths, which have taken place since May 1, 1848. And in making the record they will be particular to keep those for the year 1849 separate from those for 1848. They will also see that undertakers, and other agents and assistants, are appointed to obtain the information regularly hereafter. This will be the first year under the new act, and it is very desirable that every birth, every marriage, and every death, that takes place during the year, should be entered and returned.

The number of intentions of marriages entered in each town will be hereafter required to be returned, without the particulars in regard to each required concerning marriages.

VI. FEES AND PENALTIES.

The *fees* allowed to the town clerk for obtaining, recording, and indexing the information required by law, are as follows:—For each birth, *twenty cents*; for each intention of marriage, including the certificate to the parties, *fifty cents*; for each marriage solemnized, whether the intentions of marriage had

been entered in the same town or not, *ten cents* ; for each death, *five cents* ; for copies of the records of births, marriages, and deaths, made and returned to the office of the Secretary of State, such compensation as is usually paid for a similar amount of service in the towns. These fees are *allowed* by law, but towns and cities may make arrangement to obtain the information in such way, and for such compensation, as shall be determined upon. All the fees are to be paid by the towns, excepting for intentions of marriage, which are paid by the parties to such intentions. It is recommended to clerks to require the fee for such intentions to be paid at the time the application is made to make the first entry. Part of the fees for births will be paid to the persons whom the clerks employ to assist in obtaining the information, and part for the record. Information, concerning persons deceased, will probably be returned by the undertakers, or superintendents of burials, without much labor on the part of the clerk. They are allowed *ten cents* in addition to their other fees ; and if they do not make the return the clerk may obtain the information and claim the fee himself. In such cases the penalty which the law authorizes should be imposed upon the undertaker or superintendent. Town clerks are responsible for obtaining the information, and they will do it in the easiest, most economical, and surest way that may legally be devised, but it must be well and thoroughly done.

The *penalties* to which persons are liable are as follows :—A parent, householder, next akin, or other person interested, who neglects to give notice of a birth or a death, which happens in the family in which he resides, is liable to a penalty of *five dollars*. Every undertaker, sexton, or superintendent of the burial of a person deceased, who shall neglect to obtain and return to the town clerk the information required by law, *twenty dollars* ; and, if an undertaker, to be deprived of his office. Every person solemnizing marriage, who shall not, between the first and tenth day of every month, make a return of each marriage by him solemnized, during the preceding month, is liable to a penalty of not less than *twenty* nor more

than *one hundred dollars* for each neglect. And every clerk and registrar, who wilfully neglects or refuses to perform the duties required by law, is liable to a penalty of not less than *twenty* nor more than *one hundred dollars* for each neglect or refusal. One half of the penalties recovered go to the person who makes the complaint, and one half to the town, city, or county ; and any one who has knowledge of any neglect, can prosecute therefor.

VII. CIRCULAR TO CLERGYMEN AND OTHERS AUTHORIZED TO SOLEMNIZE MARRIAGE.

The following circular has been printed in a form separate from these instructions, and you are requested to distribute copies of the same to the several persons to whom it is addressed, in your town or city, and to call their attention particularly to its purposes :—

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, BOSTON ; }
May 23, 1849. }

To Clergymen and others, authorized to solemnize Marriage :

Gentlemen,—A new act, relating to the registration of births, marriages, and deaths, was passed on the 2d May, 1849, which relieves clergymen, and other persons authorized to solemnize marriage, from the duty of obtaining information concerning the parties to the marriage required by the act of 1844, and imposes it upon the town clerk or registrar, when he enters the intentions of marriage for publication. The third section of that act, and the Revised Statutes to which it refers, are, however, still in force. They provide that every person who solemnizes marriage, “shall make a record of each marriage solemnized before him,” and “shall, between the first and tenth day of each month, return a copy of the record for the month next preceding, to the clerk, or registrar, of the town or city in which the marriage was solemnized ;” and every person, “who shall neglect to make such returns, shall,

upon conviction thereof, forfeit, for each neglect, a sum not less than twenty nor more than one hundred dollars; one moiety thereof to the use of the county in which he resides, and the other moiety to the use of the person who shall prosecute therefor."

To accomplish fully the purposes of these acts, and for the good of the people, every marriage in every town and city in the Commonwealth should be correctly returned and recorded; and your attention is particularly called to the provisions of the law on the subject, and to the importance and necessity of strictly obeying its requirements. You will perceive that it is in the power of any person to enter a complaint for neglect. Clerks and registrars are instructed to call upon all persons who neglect their duty in this respect, and to see that the law is carried fully into execution. It is earnestly hoped that your entire coöperation will be cheerfully given.

The law as it now stands, and as proposed to be carried into execution, imposes a very light duty. Before solemnizing any marriage the certificate of the clerk or registrar, that the parties therein named have been duly published according to law, must be given to the person who officiates at the solemnization. The requirements of the law will be answered if such person fill up that part of the blank certificate relating to the solemnization of the marriage, and certify the same by signing his name and giving his official station, and return the whole certificate, or a certified copy thereof, in due season, to the clerk or registrar of the town or city in which the marriage is solemnized. Such an act would constitute a "record" of the marriage, according to law, though there are many clergymen and religious societies who may wish to preserve, in their parish or church, a record of the marriages solemnized by the pastor. In such cases, a copy of the certificate should be entered in their records before its return to the town or city. Any who may wish to preserve such a record for private purposes, or for the use of a church or parish, may find books designed for the purpose, containing the blank forms of entries

The following is a copy of that part of the certificate which you will be required to fill out :—

"The parties above named were joined in marriage, by me, at
this day of , A. D. 18 .
Attest, ."

The following will illustrate the manner in which this blank should be filled out :—

"The parties above named were joined in marriage, by me, at *Cambridge*, this 12th day of *May*, A. D. 1849.

Attest, JOHN JONES, Minister of the Baptist Church."

In affixing your official station, be pleased to state to what denomination of Christians you belong, or according to what religious rites the marriage ceremony was performed.

In the belief that you will receive these suggestions with kindness, and be ever ready to do your part to carry the registration laws into full effect,

I remain, with great respect,

Your obedient servant,

Secretary of State.

The subjoined circular has been printed in a separate form, and each town clerk or registrar will please to address one of them to each physician in the town or city, and call his attention particularly to the suggestions which it contains:—

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, BOSTON, }
May 23, 1849. }

Sir,—A new act, in relation to the registration of births, marriages, and deaths, was passed May 2d, 1849. It is designed to secure the desired facts more accurately than the

laws hitherto in force have done. To carry the law fully into effect, and to accomplish all the State designs by its passage, the coöperation and aid of intelligent men is necessary; and no class can be more useful, in this respect, than the medical profession, and none, it is believed, will feel a greater interest in its execution. The facts which registration might furnish will do much to induce people to preserve their own health, but they will do more to aid physicians in curing disease. Physicians can assist town clerks and registrars in two ways:—

First, by keeping a record of all births at which they attend professionally, and by allowing those who obtain the facts concerning these events for public use, to examine these records, in order to assist them in ascertaining all the births which take place, and in identifying the parties. If physicians would provide themselves with books containing blank forms for these records, which may be had for a trifling expense, and immediately enter the facts at the birth of each child, it would be of great public service.

Secondly, by certifying on the blank which may be presented by town clerks, undertakers superintending the burial of a person deceased, or others interested, the cause of death of such persons as they may have attended during their last sickness. One of the great designs of the law is, to ascertain the causes of death with as much accuracy as possible. The certificate of the physician, who is acquainted with each case, is essential to this accuracy. In England all persons seem not only willing, but desirous, to aid the government to carry the registration laws which exist there into full effect. A recent medical writer, of the highest authority, says:—"For years our medical thousands have daily and hourly written out the causes of death, bringing the whole knowledge of the profession to bear upon this single point, as unpaid services. In the aggregate this labor has been enormous, but it has been given, freely rendered, by the profession to the government, without fee or reward."

The zeal which has governed the profession in England will, it is certain, not be wanting in Massachusetts. In that

case, a noble work will be performed for the promotion of science and the public good, as well as for the individual benefit of each member of the profession.

With great respect,

Your obedient servant,

Secretary of State.

IX. CARE AND PRESERVATION OF RECORDS.

The Secretary of State deems it his duty respectfully to call the attention of town clerks to the proper care and preservation of town records. It is understood that, in many towns, the ancient volumes of records, through carelessness and inattention, have become so much torn or shattered as to be partially illegible; in others, entire volumes have been known to be irrecoverably lost; and, in very many towns, the whole records are exposed, in case of fire, to entire destruction. The value of the public records can scarcely be over-estimated. The records of the births, marriages, and deaths, as well as the proceedings of towns, which have been carefully kept and preserved, afford a source of information of the greatest interest and importance, and are frequently examined; and their value and importance will be enhanced in all coming time.

The following suggestions, it is hoped, may receive attention:—

1. Selectmen and town clerks are requested to examine carefully the condition of all manuscript records and public papers belonging to the towns, that such volumes as require it, may be placed in the hands of a bookbinder and repaired, or rebound if necessary. All loose papers, reports, and manuscript documents, should also be arranged, and either bound or regularly filed, and a catalogue and table of contents made, by which they may be easily referred to when wanted.

2. Copies of the records of the births, marriages, and deaths, in the old towns which existed in the Massachusetts and Plymouth colonies, during their first charter, prior to 1692, were made and returned to the county courts in which they

were situated, and were there recorded. Many of these records are now extant, and measures have been taken by some towns to have such records copied in a regular and systematic order, and deposited in the towns to which they belong. Where such records are known to exist, or where the town records generally might be improved by being rearranged and copied, a great public service would be conferred by having it generally done. It would also be a great public convenience if indexes were made to all existing records in the towns, relating to births, intentions of marriages, of marriages, and of deaths, on the plan already proposed in these instructions.

3. Fire-proof safes should be provided, in which the most important records and papers should be deposited, that they may be preserved in case of fire. For want of this precaution, the entire records of several towns have been lost. A small expense would have prevented such an irreparable loss. The attention of towns is called particularly to this subject, that ample provision may be made, where it has not already been done, to preserve the records, in case the building in which they may happen to be placed should be destroyed by fire.

X. LAWS OF THE COMMONWEALTH IN RELATION TO THE REGISTRATION OF BIRTHS, MARRIAGES, AND DEATHS.

Provisions of the Revised Statutes.

SECT. 46. The town clerk shall keep a record of the births and deaths of all persons within his town, and coming to his knowledge; and he shall specify in such record the day of each birth and death, and the names of the parents of such persons, if known.

SECT. 47. Parents shall give notice to the clerk of their town of all the births and deaths of their children; and every householder shall give the like notice of every birth and death happening in his house; and the eldest person next of kin

shall give such notice of the death of his kindred; and the keeper of any almshouse, workhouse, house of correction, prison or hospital, and the master or other commanding officer of any ship, shall give the like notice of every birth and death, happening among the persons under his charge; and every person, neglecting to give such notice for the space of six months after the birth or death shall have happened, shall forfeit to the use of the town a sum not exceeding five dollars.—*[Revised Statutes, page 182.]*

SECT. 17. Every justice and minister shall keep a record of all marriages solemnized before him, and in the month of April, annually, shall make a return, to the clerk of the town in which he resides, of a certificate, containing the Christian and surnames, and places of residence, of all the persons who have been by him joined in marriage within the year then last past, and also the time when, and the name of the town in which, such marriages were respectively solemnized; and when neither of the married persons belongs to, or is resident in, the town in which the justice or minister resides, then such justice or minister shall, within thirty days after such marriage, also return a like certificate of the town in which one or both of the married persons may reside; and all marriages, so certified to the clerk, shall be forthwith recorded by him in a book to be kept for that purpose.

SECT. 18. Every justice of the peace and minister, who shall neglect to make such returns, shall, upon conviction thereof, forfeit for each neglect a sum not less than twenty nor more than one hundred dollars; one moiety thereof to the use of the county in which he resides, and the other moiety to the use of the person who shall prosecute therefor.—*[Ibid, page 477.]*

An Act relating to the Registry and Returns of Births, Marriages, and Deaths. Passed March 16, 1844.

SECT. 1. The clerks of the several cities and towns in this Commonwealth shall, annually, in the month of June, transmit to the Secretary of the Commonwealth a certified copy of their record of births, marriages, and deaths, which have occurred within their respective cities and towns during the year next preceding the first day of said month.

The births shall be numbered and recorded in the order in which they are received by the clerk. The record of births shall state in separate columns the date of the birth, the place of birth, the name of the child, (if it have any,) the sex of the child, name and surname of one or both of the parents, occupation of the father, residence of the parents, and the time when the record was made.

The marriages shall be numbered and recorded in the order in which they are received by the clerk. The record of marriages shall state, in separate columns, the date of the marriage, the place of the marriage, the name, residence and official station of the person by whom married, the names and surnames of the parties, the residence of each, the age of each, the condition of each, (whether single or widowed,) the occupation, names of the parents, and the time when the record was made.

The deaths shall be numbered and recorded in the order in which they are received by the clerk. The record of deaths shall state in separate columns the date of the death, the name and surname of the deceased, the sex, condition, (whether single or married,) age, occupation, place of death, place of birth, names of the parents, disease or cause of death, and the time when the record was made.

SECT. 2. The school committee of each city or town shall, annually, in the month of May, ascertain, from actual inquiry or otherwise, all the births which have happened within such city or town during the year next preceding the first day of said May, together with the facts concerning births required

by the first section of this act, and shall make an accurate return thereof to the clerk of such city or town, on or before the last day of said May; and the said school committee, or other person authorized by them to make such returns, shall be entitled to receive from the treasury of such city or town, five cents for each and every birth so returned.

SECT. 3. Every justice, minister, and clerk, or keeper of the records of the meeting wherein any marriages among the Friends or Quakers shall be solemnized, shall make a record of each marriage solemnized before him, together with all the facts relating to marriages required by the first section of this act; and each such justice, minister, clerk, or keeper, shall, between the first and tenth days of each month, return a copy of the record for the month next preceding, to the clerk of the city or town in which the marriage was solemnized; and every person, as aforesaid, who shall neglect to make the returns required by this section, shall be liable to the penalty provided in the eighteenth section of the seventy-fifth chapter of the Revised Statutes.

SECT. 4. Each sexton or other person, having the charge of any burial-ground in this Commonwealth, shall, on or before the tenth day of each month, make returns of all the facts required by the first section of this act, connected with the death of any person whose burial he may have superintended during the month next preceding, to the clerk of the city or town in which such deceased person resided at the time of his death. And such sexton, or other person, shall be entitled to receive, from the treasury of the city or town to which the return is made, five cents for the return of each death made agreeably to the provisions of this act.

SECT. 5. The clerk of each city or town shall be entitled to receive from the treasury of such city or town, eight cents for the record of each birth and death: *provided* such clerk shall comply with this act in all respects.

SECT. 6. It shall be the duty of the clerks of the several cities and towns, to make such distribution of blank forms of

returns as shall be designated by the Secretary of the Commonwealth.

SECT. 7. The Secretary of the Commonwealth shall prepare and furnish to the clerks of the several cities and towns in this Commonwealth, blank books of suitable quality and size, to be used as books of record, according to the provisions of this act, and also blank forms of returns, as hereinbefore specified, and shall accompany the same with such instructions and explanations as may be necessary and useful ; and he shall receive said returns, and prepare therefrom such tabular results as will render them of practical utility ; and shall make report thereof annually to the Legislature, and generally shall do whatever may be required to carry into effect the provisions of this act.

SECT. 8. Any clerk who shall neglect to comply with the requirements of this act, shall be liable to a penalty of ten dollars, to be recovered for the use of any city or town where such neglect shall be proved to have existed.

SECT. 9. An act entitled "an act relating to the registry of births, marriages, and deaths," passed on the third day of March, in the year one thousand eight hundred and forty-two, is hereby repealed.

SECT. 10. This act shall take effect from and after its passage.

An Act relating to the Registration of Births, Marriages, and Deaths. Passed May 2, 1849.

SECT. 1. Town and city clerks are hereby authorized and required to obtain, record, and index, the information concerning births, marriages, and deaths, now required by law. Towns and cities, containing more than ten thousand inhabitants, may choose a person, other than the town or city clerk, to be town or city registrar, to perform this duty instead of the town or city clerk ; and said registrar shall take an oath faithfully to perform the duties of the office.

SECT. 2. The fees of the clerk and registrar, for obtaining,

recording, and indexing the information required by this act, shall be as follows:—For each birth, twenty cents; for each intention of marriage, including the certificate to the parties, fifty cents; for each marriage solemnized, ten cents; for each death, five cents; and the undertaker shall be allowed ten cents for information concerning each death which he returns to the clerk or registrar; said fees for births, deaths, and marriages solemnized, shall be paid by the town; and, for intentions of marriage, by the parties having such intentions: *provided, however*, that the aggregate compensation, allowed to any clerk or registrar, may be limited by any town or city containing over ten thousand inhabitants, but, in no case, so as to prevent the full execution of this act.

SECT. 3. Any undertaker, or other person, having the superintendence of the burial of any deceased person, who shall neglect or refuse to obtain and return the information required by this act, concerning each person deceased, whose burial shall come under his superintendence, shall be liable to a penalty not exceeding twenty dollars for each neglect, and, if an undertaker, to be deprived of his office. And every clerk or registrar, who wilfully neglects or refuses to perform the duties herein prescribed, shall be liable to a penalty of not less than twenty, nor more than one hundred dollars, for each neglect or refusal. All penalties and forfeitures, under this act, may be recovered by any person who shall sue for the same, one half thereof to the use of said complainant, and the other half to the use of the town or city in which the forfeiture shall have been incurred.

SECT. 4. The returns required to be made on the first day of February, in the year one thousand eight hundred and fifty, shall include the births, deaths, and marriages, from the first day of May, in the year one thousand eight hundred and forty-eight, to said day of return.

SECT. 5. Copies of records, in the several towns and cities, of the births, marriages, and deaths, which occurred during the next preceding year, ending December thirty-first, shall be returned to the Secretary of State, annually, on or before the

first day of February. The blank forms of said returns shall be printed on paper of uniform size ; and those for each year, when filled out and returned to the office of the Secretary of State, shall be bound together, in one or more volumes, and shall be furnished with an index. Blank books for indexes to the town registrars, shall be prepared by the Secretary of State, and furnished to the several towns and cities at the expense of the Commonwealth.

SECT. 6. All parts of acts inconsistent with the provisions of this act are hereby repealed.

XI. CONCLUSION.

It cannot be necessary to add any thing to enforce the importance of the registration required by the laws of the Commonwealth. The moral and physical welfare of the community, and the enlargement of the means of science, are deeply involved. This is an ample incentive to fidelity and accuracy on the part of those on whom rest the injunctions of the Legislature.

WILLIAM B. CALHOUN, *Secretary of State.*

